

DETAILED ACTION

1. Claims 1-4, 9-12 and 16 pending in the instant application.

Response to Amendment

2. The amendments to the claims and remarks filed on September 24, 2009 have been fully considered. The outstanding grounds of rejection are withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Louis Leichter on October 7, 2009.

The application has been amended as follows:

Cancel claims 3, 9-12 and 16.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance. The instant claims are novel and non-obvious over the prior art. Applicant has shown that the solid forms of tiagabine hydrochloride disclosed in the prior art are not Form IV as instantly claimed (see declaration February 25, 2009; declaration July 8, 2009 and remarks dated September 24, 2009).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE Y. LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Golam M. M. Shameem/
Primary Examiner, Art Unit 1626

/Sun Jae Y. Loewe/
10-7-2009